

COMMERCE, JUSTICE, SCIENCE,
AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. Pursuant to House Resolution 562 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 3093.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 3093) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes, with Mr. HASTINGS of Florida (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, the bill had been read through page 85, line 24.

Pursuant to the order of the House of today, no further amendment to the bill may be offered except those specified in the previous order of the House of today, which is at the desk.

AMENDMENT OFFERED BY MR. INSLEE

Mr. INSLEE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. INSLEE:

At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL
PROVISIONS

SEC. 701. Of the funds appropriated in this Act for the Department of Justice, not more than \$50,000,000 shall be available for the Attorney General, after consultation with Indian tribes pursuant to Executive Order 13175, to appoint attorneys to assist United States Attorneys when the public interest so requires, as authorized by sections 542 and 543 of title 28, United States Code, to litigate cases involving the enforcement of Federal law on Tribal lands, including domestic violence, dating violence, sexual assault, and stalking, and to allow reimbursement out of existing Federal funds, if available, to compensate appointees whenever such appointments facilitate the efficient, thorough enforcement of Federal law on Tribal lands.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Washington (Mr. INSLEE) and a Member opposed each will control 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve a point of order.

The Acting CHAIRMAN. A point of order is reserved.

The Chair recognizes the gentleman from Washington.

Mr. INSLEE. Mr. Chairman, I rise to offer an amendment to ensure that the U.S. Attorney General appoints attorneys to assist in enforcing Federal law when it comes to public interest as outlined in 28 U.S.C. 542 and 28 U.S.C.

543. It is in the public's interest to prosecute crimes committed against Native women, including domestic violence, sexual assault, stalking and dating violence. As they take on this task, I also urge them to consult with tribes as practiced and required under Executive Order 13175.

As we know, there are 4 million American Indian and Alaska Native people throughout the United States, and jurisdictional questions today are preventing the enforcement of Federal laws. Indian women suffer 2½ times more domestic violence and 3½ times more sexual assaults than the rest of the American population. An Amnesty International report showed that 86 percent of these crimes are committed by non-Indian men, and the law prevents Tribal courts from prosecuting them.

As a former prosecutor, I was shocked that the majority of criminals go unpunished. Justice Department data compiled by Syracuse University showed that in two decades, only 30 percent of tribal land crimes referred to U.S. Attorneys were ever prosecuted. I would like to see U.S. Attorneys consult with the tribes and work to enforce Federal law, especially when it comes to crimes of domestic violence, stalking and sexual assault. And ensuring that U.S. Attorneys appoint special attorneys to assist in prosecuting these Federal laws is imperative.

I will include for the RECORD information from a Wall Street Journal article entitled, "Tattered Justice on U.S. Indian Reservations, Criminals Slip Through Gaps." It is time we close those gaps, and I urge U.S. Attorneys to act with dispatch in this regard.

[From the Wall Street Journal, June 12, 2007]

ON U.S. INDIAN RESERVATIONS, CRIMINALS
SLIP THROUGH GAPS

(By Gary Fields)

CHEROKEE, N.C.—Jon Nathaniel Crowe, an American Indian, had a long-documented history of fighting with police officers and assaulting women. But the tribal court for the Eastern Band of the Cherokee, under whose jurisdiction he lives, couldn't sentence him to more than one year for any charge. Not when he left telephone messages threatening to kill an ex-girlfriend, not when he poured kerosene into his wife's mouth, not when he hit her with an ax handle.

"We put him away twice for a year, that's all we could do," says James Kilbourne, prosecutor for the tribe. "Then he got out and committed the same crime again."

Indian tribes are officially sovereign nations within the U.S., responsible for running services such as schools and courts. But a tangle of federal laws and judicial precedents has undermined much of their legal authority. As a result, seeking justice on Indian reservations is an uneven affair.

Tribes operate their own court systems, with their own judges and prosecutors. Sharply limited in their sentencing powers, they are permitted to mete out maximum jail time of only 12 months for any crime, no matter how severe. The law also forbids tribal courts to prosecute non-Indians, even those living on tribal land.

Federal prosecutors can intervene in serious cases, but often don't, citing the long

distances involved, lack of resources and the cost of hauling witnesses and defendants to federal court. In the past two decades, only 30% of tribal-land crimes referred to U.S. attorneys were prosecuted, according to Justice Department data compiled by Syracuse University. That compares with 56% for all other cases. The result: Many criminals go unpunished, or minimally so. And their victims remain largely invisible to the court system.

The justice gap is particularly acute in domestic-violence cases. American Indians annually experience seven sexual assaults per 1,000 residents, compared with three per 1,000 among African-Americans and two per 1,000 among whites, says the Justice Department. The acts are often committed by non-Indians living on tribal land whom tribal officials cannot touch. Local prosecutors say members of Indian communities have such low expectations about securing a prosecution that they often don't bother filing a report.

"Where else do you ask: How bad is the crime, what color are the victims and what color are the defendants?" asks Mr. Kilbourne, who has prosecuted cases on Cherokee lands since 2001. "We would not allow this anywhere else except Indian country."

The lack of prosecutorial discretion is one of many ways in which Indian justice has been split off from mainstream American due process. For example, some defendants appearing before Indian courts lack legal counsel, because federal law doesn't require tribes to provide them with a public defender. Although some tribes have them, others can't afford to offer their members legal assistance. It's not unusual for defendants to represent themselves.

The Indian Civil Rights Act, passed by Congress in 1968, limited to six months the sentences tribes could hand down on any charge. At the time, tribal courts were seeing only minor infractions. Congress increased the maximum prison sentence to one-year in 1986, wrongly assuming that the Indian courts would continue to handle only misdemeanor-level crimes. Tribal offenses, meanwhile, escalated in both number and severity, with rape, murder and kidnapping among the cases.

The Supreme Court weighed in on another level, with its 1978 Oliphant decision ruling that tribes couldn't try non-Indian defendants in tribal courts—even if they had committed a crime against a tribe member on the tribe's land. In its ruling, the court held that it was assumed from the earliest treaties that the tribes did not have jurisdiction over non-Indians.

"If you go to Canada and rob someone, you will be tried by Canadian authorities. That's sovereignty," says University of Michigan law professor and tribal criminal-justice expert Gavin Clarkson. "My position is that tribes should have criminal jurisdiction over anybody who commits a crime in their territory. The Supreme Court screwed it all up and Congress has never fixed it."

Jeff Davis, an assistant U.S. Attorney in Michigan who handles tribal-land cases, acknowledges that his hands are often tied. Mr. Davis is also a member of North Dakota's Turtle Mountain Band of Chippewa. "I've been in the U.S. Attorney's office for 12 years, and both presidents I have served under have made violent crime in Indian country a priority. But because of the jurisdictional issue and questions over who has authority and who gets to prosecute, it is a difficult situation."

Often cases don't rise to the level of felony federal crimes unless the victim has suffered a severe injury. Federal prosecutors have limited resources and focus almost exclusively on the most serious cases.

Compounding that is the fact that domestic-abuse cases are difficult to prove, especially if the lone witness recants.

"It requires stitches, almost a dead body," says Mr. Davis. "It is a high standard to meet."

For some non-Indians, tribal lands are virtual havens. Chane Coomes, a 43-year-old white man, grew up on the Pine Ridge Reservation in South Dakota—home to the Oglala Lakota, near the site of the infamous 1890 massacre at Wounded Knee. Marked by a small obelisk, the mass grave is a symbol of unpunished violence, literally buried in the soil of the tribe. The 2000 census documented Shannon County, which encompasses the remote and desolate reservation, as the second-poorest county in the U.S., with an annual per-capita income of \$6,286 at the time. Only Buffalo County, S.D., was poorer.

According to local authorities, Mr. Coomes used his home on the reservation as a sanctuary, knowing he would be free from the attentions of tribal prosecutors.

Tribal Police Chief James Twiss says Mr. Coomes was suspected of dealing in small amounts of methamphetamine for years. Tribal police also thought he might be trafficking in stolen goods.

In 1998, Mr. Coomes assaulted a tribal elder, Woodrow Respects Nothing, a 74-year-old decorated World War II and Korean War veteran. Because it couldn't prosecute, the tribe ordered Mr. Coomes off its land. But attempts to remove him were unenforceable.

"All I could do was to escort him off the reservation," says tribal police officer Eugenio White Hawk, who did that several times, the last when he spotted the banned man hauling horses in a trailer. "He kept coming back. After a while I just left him alone and let it go. It was just a waste of time."

Mr. Coomes remained in his Shannon County home until 2006 when he was accused of beating his estranged wife in nearby Nebraska and threatening to kill her, according to Dawes County District Attorney Vance Haug. The crime was committed off the reservation, and the subsequent investigation gave state authorities official jurisdiction.

After raiding his home, they found stolen equipment as well as 30 grams of methamphetamine and \$13,000 hidden in the bathroom, along with syringes.

Mr. Coomes is now in the Fall River County Jail charged with possession of stolen property, grand theft and unauthorized possession of a controlled substance. He also faces separate charges, of assault and "terroristic threats" related to his wife, in Dawes County, Neb. If convicted on the latter charges, he faces up to six years in prison, Mr. Haug said. Mr. Coomes's attorney declined to comment.

The jurisdictional quagmire also has implications for Indian members on the other side of the tribal border. Gene New Holy, an ambulance driver on Pine Ridge, had been arrested by the tribe more than a dozen times for various drunk-driving offenses, for which he received only two convictions totaling about a month in a tribal jail. In state court, four convictions would have led to a maximum sentence of five years.

Lance Russell, the state prosecutor for Shannon County and neighboring Fall River County, had never heard of Mr. New Holy until Feb. 11, 2001, when Mr. New Holy got drunk at a Fall River County bar. According to court documents, he nearly hit one car on a main highway, forced two others into a ditch and sideswiped a third that had pulled off the road as Mr. New Holy approached it in the wrong lane.

The last car he hit contained three tribe members—cousins Bart Mardinian, Anthony Mousseau and Russell Merrival—all of whom

died. The accident was less than a mile off the reservation, enough to give Mr. Russell and the state jurisdiction in the case. Mr. New Holy is serving 45 years in state prison for three counts of vehicular homicide—much longer than the 12 months per count he would have served under tribal law. His attorney didn't return a call seeking comment.

"The holes in the system are more practical than legal, and the victims of crime pay the price," says Larry Long III, the South Dakota attorney general. "The crooks and the knotheads win."

The Eastern Band of Cherokee, located in the Smoky Mountains of North Carolina, is one of the most efficiently run tribes in the country. Its ancestors hid in these mountains while Cherokee east of the Mississippi River were forcibly moved to present-day Oklahoma, a migration known as the "Trail of Tears." Today the tribe is spread across five counties and is economically well off: It takes in more than \$200 million annually from the Harrah's Cherokee Casino & Hotel, which it owns, and has a robust tourist industry. About half of the tribe's gambling spoils go to pay for infrastructure and government services.

Its court, which is housed in a prefabricated building, looks like any other in the U.S., except the judges wear bright, red robes. The offices, while cramped, are modern and computerized, and are a little over one hour's drive from the federal prosecutor's office in Asheville. Tribal authorities meet regularly with federal prosecutors for training. The tribe's top jurist is a former federal prosecutor who has regular contact with his successors.

Yet even here, the justice system works erratically. In 2005, tribal police received a tip that James Hornbuckle, 46, an Oklahoma Cherokee who had moved to the reservation, was dealing marijuana. Officers built a case for weeks. They raided the business and then Mr. Hornbuckle's home, where they found 10 kilograms of marijuana, packaged in small bricks. By tribe standards, it was a big haul, and authorities approached the U.S. Attorney's office.

Gretchen Shappert, U.S. Attorney for the Western District of North Carolina, says federal sentencing guidelines for marijuana are so lenient, that "we'd need 50 kilograms in a typical federal case" to pursue it. The feds rejected the case.

If the state court had jurisdiction to prosecute the crime, Mr. Hornbuckle might have received a three-year term. Instead, he pleaded guilty to the marijuana charge and was sentenced to one year in tribal court. Recently the tribal council voted to permanently ban him from the reservation, with backing from the feds. Messages left for Mr. Hornbuckle's attorney weren't returned.

Mr. Crowe's name is all too familiar on the reservation. Tribal Police Chief Benjamin Reed has known him since he was a juvenile. "What I remember is his domestic-violence incidents. He just wouldn't stop," Mr. Reed says.

Crystal Hicks, who dated Mr. Crowe before his marriage, says the tribal member was verbally abusive. She says she left him after she had a miscarriage, when he berated her for not giving him a ride to a motorcycle gathering. "He said I was using the miscarriage as an excuse," says Ms. Hicks, 27 years old.

After that, in several telephone messages saved by Ms. Hicks and her family, Mr. Crowe threatened to kill them and bury Ms. Hicks in her backyard. He was jailed by the tribe and ordered to stay away from the Hicks family.

"One year," says Ms. Hicks. "He even told me he was fine in jail. He got fed three times a day, had a place to sleep and he wasn't going to be there long."

After he married, the violence escalated, says Police Chief Reed. During one incident he drove to the home Mr. Crowe shared with his wife, Vicki. "He had threatened her, and dug a grave, and said no one would ever find her. We believed him," Mr. Reed said. "Just look at some of the stuff he'd done. That girl was constantly coming down here, her face swollen up." At one point, he choked his wife, poured kerosene into her mouth and threatened to light it, police reports say. Mr. Crowe's attorney didn't return calls seeking comment.

None of these acts led to more than one year in jail, a sentence he has been given twice since 2001. His criminal file at the tribal court building fills a dozen manila folders. There are reports of trespassing and assault convictions, telephone harassment, threats and weapons assaults—one for an incident when he hit his wife with an ax handle, breaking her wrist. His latest arrest, in September, came about a week after he finished his most recent sentence, when he came home and beat his now-estranged wife—again.

After seven years, his crimes finally triggered federal involvement, although almost by accident. Federal prosecutors from around the country met at Cherokee earlier this year to discuss crime on tribal land. One federal official mentioned to Mr. Kilbourne, the tribal prosecutor, a new statute that allows federal intervention where defendants have at least two domestic-violence convictions, regardless of the crime's seriousness.

Mr. Kilbourne, who was preparing for a new trial against Mr. Crowe the following week, quickly turned the case over. Mr. Crowe pleaded guilty to assault last Friday and is awaiting sentencing.

CORRECTIONS AND AMPLIFICATIONS

The attorney for James Hornbuckle, a Cherokee who was cited in this article, couldn't be reached for comment. This article incorrectly says his attorney didn't return calls seeking comment.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. MACK

Mr. MACK. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MACK:

At the end of the bill, before the short title, insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available by this Act may be used to carry out the composition and delivery of exigent circumstance letters, that indicate that a grand jury subpoena is forthcoming where none has been convened or where there is no reasonable likelihood that one will be convened, to United States citizens, businesses, banks, firms or any other entity that retains personal identity information about citizens.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Florida (Mr. MACK) and a Member opposed each will control 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve a point of order.

The Acting CHAIRMAN. A point of order is reserved.

The Chair recognizes the gentleman from Florida.

Mr. MACK. Mr. Chairman, a wise man said, "Freedom is the core of all human progress." It is my belief that he is right.

Since coming to Congress, I have often been an advocate of oversight. My colleague from Arizona routinely comes to this floor urging us to make oversight a larger part of the congressional process, and I agree with him. It is an area where we all need to pay more attention.

Unfortunately, when we turn our attention away, it is often at the expense of our own liberty and freedom. This amendment seeks to spotlight a particular area of concern, the so-called exigent circumstances letters sent out from the FBI to obtain highly sensitive information.

While I support using the proper tools to keep our Nation safe, particularly in the war on terror, these letters seem to fall well short of constitutional checks and balances. My colleagues and I fear that innocent citizens are being netted in the process.

But, Mr. Chairman, how are we to know that? The very limited justification that comes from the Department of Justice stands on shaky ground. The rest of the time they hide behind national security as a reason for not telling us more. While I am pleased the FBI is taking internal steps to clarify the scope and use of these letters, I believe we should raise the process up by codifying it to ensure there are no questions that civil liberties are not being violated and the information that is coming from these searches is not being used for wrongful purposes.

Thankfully, article I of the Constitution says we are a coequal branch of government charged with cooperation and oversight of these types of activities. Mr. Chairman, when it comes to our freedom, we all need to be diligent. We all need to exercise care and we all need to be cautious of government. Though it often seeks to protect us, it always ends up capturing more of our precious liberties.

Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I thank the gentleman for yielding.

In 2005, while on the House Judiciary Committee, I, along with some others, offered a series of reforms to the process of issuing national security letters. These reforms came about during the reauthorization of the PATRIOT Act. These reforms didn't go as far as I would have liked, but we took the administration at their word when they said that civil liberties would not be violated.

During the reauthorization process, I and others were told by administration officials that the reforms we sought were not needed, that the Department of Justice and FBI would never do the hypothetical worst-case scenario that some of my colleagues and I worried about.

After a long investigation by the Inspector General of the Department of Justice, I can regrettably say many of the worst-case scenarios actually came about and that our hypotheticals were not so farfetched.

The FBI has abused its power both in terms of National Security Letters and exigent letters. In the case of exigent letters, it appears the FBI repeatedly asserted exigent circumstances where none existed in order to obtain telephone records. The Inspector General's probe also concluded that there sometimes was no open nor pending national security investigation tied to the request. This directly contradicts the requirements of U.S. law. Letters went out stating that a grand jury subpoena was forthcoming when none was forthcoming.

The Inspector General's report was just a small sampling of the use of these letters, and we have not been given a larger picture yet. I want to commend the gentleman from Florida for bringing this forward. He has worked hard on this issue, and we are not speaking anymore in hypotheticals. We have seen abuses. They have been documented. This is very important, and I commend him for bringing this forward, and I join him in his effort.

Mr. MACK. Mr. Chairman, I reserve the balance of my time.

Mr. KENNEDY. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Rhode Island is recognized for 5 minutes.

Mr. KENNEDY. Mr. Chairman, I rise to say that I think this is absolutely a justified effort to bring to light something that I think all of the American people deserve, and that is to understand truly what is going on at the Department of Justice insofar as the use of these letters.

Unfortunately, this is legislating on an appropriations bill. I do hope that in the course of this session we will bring up legislation that will get at the PATRIOT Act so that we can bring to light how far the Justice Department has gone in overriding the initial intent of the PATRIOT Act and overriding the sense of Congress in terms of the abuse of issuance of both National Security Letters and exigency letters. For that reason, I think the intent of this is very well placed.

Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. SCHIFF) for whom this is a very important issue.

Mr. SCHIFF. Mr. Chairman, I thank the gentleman for yielding. I thank Mr. MACK for his strong work on this issue and his protection of civil liberties in this regard and many others.

Most disturbingly, from my view, from the Inspector General's report was the fact that the FBI issued at least 739 exigent letters to obtain telephone toll records in violation of internal Justice Department guidelines.

These exigent letters are used in emergency situations when an attack

can be imminent and information is required immediately. They said things like this: "Due to exigent circumstances, it is requested the records for the attached list of phone numbers be provided. Subpoenas requesting this information have been submitted to the U.S. Attorney's Office, who will process and serve them as expeditiously as possible."

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The problem with these letters, in at least 739 cases there was no grand jury meeting. There were no subpoenas requested, and none would ever be delivered. And so here you have the prospect of the FBI going out to a phone company or other provider and saying, this is an emergency, we need this information, subpoenas to be forthcoming, and none were.

Now, as a telephone company, you get the FBI knocking on your door asking for records, saying, this is an emergency, someone's life may be at risk, we may be at risk of an attack, you're going to want to comply. And then after the fact, after the FBI discovered that it had issued all these letters erroneously, unlawfully, it then issues an NSL, National Security Letter, asking for the information that was provided for in these exigent letters, basically to cover up, to try to give a patina of legality over an illegal practice.

This is deeply disturbing, and my friend's amendment, that I was pleased to join him in cosponsoring, would prohibit the expenditure of funds on these exigent letters when the claim is made that a grand jury subpoena is forthcoming when there's no grand jury even impaneled on the issue.

We need to put a stop to this practice. I very much appreciate my colleague raising this issue. I'm proud to support it.

Mr. KENNEDY. Reclaiming my time, Mr. Chairman, I think that this issue is an issue of due process. This country was founded on the basis of due process and on law, and that is why this strikes at the very heart of our system of government and why this is such an important issue to be raised.

And for that reason, I think that while this is a point of order, I do believe this is going to be an issue for this Congress to address in the course of this session. I commend the gentleman from Florida for raising it.

Mr. Chairman, I yield back the balance of my time.

Mr. MACK. Mr. Chairman, I would like to thank my colleagues as well. I think this demonstrates that there is bipartisan support on this issue, and at the heart of this is to preserve and protect the citizens of this country's freedoms and liberties.

So I want to thank again my colleagues and the staff on both sides for working this.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. The amounts otherwise provided in this Act are revised by reducing the amount made available for the “DEPARTMENT OF JUSTICE—Office of Justice Programs—state and local law enforcement assistance” and by increasing the amount made available for the “DEPARTMENT OF JUSTICE—Office of Justice Programs—state and local law enforcement assistance” by \$10,000,000 and \$10,000,000, respectively.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished chair.

Let me first of all, as I bring my amendment to the attention of my colleagues, thank the chairman of the subcommittee Mr. MOLLOHAN, and the ranking member of the subcommittee Mr. FRELINGHUYSEN, for your leadership on a number of these issues of which I will discuss today.

Let me, first of all, acknowledge the Department of Justice funding, particularly the State and local law enforcement and crime prevention grants and the COPS program, of which many of us have supported for an extensive period of time.

I rose to the floor of the House yesterday and indicated that I believe that the father of community-oriented policing was both the mayor and chief of police in my city of Houston, Lee P. Brown, who served as the chief of police in New York and Atlanta.

I rise today to emphasize for my colleagues the importance of providing resources to public safety officers so that they can provide the service to the community in this increasing period of rising crime statistics, and let me share with you the vastness of the public safety officers' responsibility.

What I want to suggest in this amendment is that public safety officers are needed in schools. They're needed on the highways. They're needed in our neighborhoods. They're needed on our buses and our trains. Many times incidences will occur on our trains and buses with citizens who are using those facilities, and the quick response of public safety officers can lead to the saving of lives. That is why it is important for them to have appropriate commitment and the appropriate equipment.

Let me cite in my own community, which we're seeing statistically across the Nation, having just heard the FBI report that says crime statistics are increasing all over America, not only in the urban centers like Houston, which is the fourth largest city in the Nation, but it is also increasing in our rural hamlets and villages and farmlands. We have a crisis in crime. Part of it has been because we have not provided, I think, the extra resources that we see in this bill.

But let me just cite for you why people traveling on transportation need the quick access of a public safety officer. One article says, a second metro bus driver attacked. Two men attacked a metro bus driver Tuesday after they argued with her about a fare. That means all of those riding the bus were in jeopardy. A quick response by a public safety officer was clearly a need.

And so my amendment is simple. It provides for the reemphasis of the need of this equipment, whether they are walkie-talkies and others, to ensure that we have safety, and as well to ensure that these dollars are used effectively for safety in our community.

I'd ask my colleagues to support this amendment.

Thank you, Mr. Chairman, for allowing me to explain my amendment to H.R. 3093. My amendment is simple. It seeks to assist public safety officials in the United States in communicating with one another across jurisdictions and disciplines, to enhance the public's safety and prevent unnecessary loss of lives and property.

My amendment recognizes immense importance of hand-held communication devices to the transit workers and other public officials who play a key role in responding to disasters and terrorist attacks. It seeks to ensure that they may be provided with fully interoperable equipment, maximizing their effectiveness and working to ensure their safety as they work to protect our communities.

Throughout the United States, public safety agencies—law enforcement, fire fighters, emergency technicians, public health officials, and others—often cannot communicate effectively with one another, even within the same jurisdiction, or with other public safety agencies at the Federal, State, or local level, when responding to emergencies.

As a senior Member of the Committee on Homeland Security, I have worked tirelessly to ensure that our communities' first responders are equipped with the best possible equipment, including communication devices that allow them to effectively communicate with each other and with their Federal counterparts across jurisdictions and disciplines. Interoperable communications would allow our Nation's first responders to communicate in real time, in the event of an emergency.

Mr. Chairman, the lack of sufficient hand-held communications devices may have contributed to the deaths of 343 firefighters in New York City on September 11, 2001, when police could not communicate effectively with firefighters prior to the collapse of the Twin Towers. Similarly, the lack of adequate equipment exacerbated the difficulties in evacuating people during hurricane Katrina, where many could have been saved if effective commu-

nications equipments were available not only to safety workers but to transit authorities and others in a collective effort to save the lives of those who were stranded and injured that tragic day.

Recent national catastrophes, including the terrorist attacks of September 11th and Hurricanes Katrina and Rita, clearly illustrate the need to ensure that safety responders have interoperable communications systems. Emergency response systems must be able to function under extreme and unpredictable conditions. We can learn from our past that when those responding to emergencies cannot communicate effectively, the danger to public safety officials and the public increases.

The Department of Homeland Security has recognized the importance of providing effective and real-time communication capabilities. Secretary Chertoff stated in November 2006 his intention to make sure that major cities “have interoperable communications in effect by the end of this coming year.” Interoperable communications provide tangible benefits to places like my home City of Houston, with its 5.3 million residents and concentration of critical infrastructure.

Mr. Chairman, my amendment simply aims to ensure that high risk areas, like Houston, have sufficient communications devices to enable our Nation's first responders and transit workers to communicate in real time, in the event of an emergency.

I urge my colleagues to support this amendment.

[From the Houston Chronicle]

SECOND METRO BUS DRIVER ATTACKED

(By Lindsay Wise)

Two men attacked a Metro bus driver Tuesday after they argued with her about the fare, making it the second attack this week of a female driver.

The men, who appeared to be inebriated, got into a dispute with the driver over fares and threatened her, said Metro spokeswoman Raequel Roberts. The men initially retreated into the bus, but about 10 minutes later, they returned to the front and punched her, Roberts said.

The driver was taken to Memorial Southwest hospital, where she was treated for a cut on her nose, Roberts said.

Some passengers on the bus took pictures of the two men with their cell phones, and Metro police are now looking for the suspects, Roberts said.

The assault took place on the same bus route and in the same area as the reported robbery and sexual assault of a Metro bus driver early Sunday.

In that case, a man boarded a Metro bus on Hillcroft at Bellaire and remained on board for several miles, waiting for the last passenger to exit before dragging the driver to the back of the bus and assaulting her at gunpoint, Metro officials said.

According to statistics provided by Metro, 28 violent crimes—ranging from robberies to aggravated assaults—occurred so far this year on their buses. Last year, 50 violent crimes were reported on Metro buses, up from 38 in 2005.

Roberts said Metro has increased security patrols in the area as they search for the attackers.

“We’ve been out there with officers in force,” she said.

Mr. MOLLOHAN. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, we commend the gentlewoman for bringing this to the attention of us, and we have no objection to the amendment.

Ms. JACKSON-LEE of Texas. Reclaiming my time, I'd like to thank the distinguished gentleman and the ranking member.

And let me just say to all those individuals impacted by crime, particularly these bus drivers that I'm speaking of today, help is on the way.

I ask for support of my amendment.

Mr. Chairman, I yield back my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

At the end of bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. The amount otherwise provided in this Act for "Department of Justice" is hereby decreased by \$10,000,000 and increased by \$10,000,000.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me also thank the chairman and ranking member for their infusion of dollars in the Federal prison system, \$179 million above 2007.

There needs to be an infusion of funding because we have an overcrowded system in the Federal Bureau of Prisons. We, as the authorizing committee, the Committee on the Judiciary, have heard repeatedly of the concerns of both the management of the Federal Bureau of Prisons, but also the inmates. I have visited institutions in my own area. I've seen the overcrowding. I've seen the conditions and paid attention to some of the elements that we could improve.

Many may hear this debate and suggest that incarcerated persons should be treated in a certain way. This is a very simple amendment. It asks for a study to look at the possibilities of early release for nonviolent prisoners who are over the age of 45.

How does that help our community? One, it sends individuals back home to their families to provide resources. We know that we are watching a second chance bill make its way through this Congress. We hope that it will move quickly. Many of these offenders are middle age. Many of them are sick. This costs a great deal for the Federal Bureau of Prisons.

It is noted that 1.1 million nonviolent offenders are currently locked up. Many of them are African Americans, and in the 1930s, 75 percent of the people entering State and Federal prison were of the majority population. That is not the case now.

So it's a simple premise. It has been adopted in the authorization bill. It asks the hard question, why are we incarcerating for decades and decades nonviolent individuals who pay their debt to society, when they could come out and provide the comfort and nurturing and financial support to their own families and also address the question of Federal prison overcrowding?

I'd ask my colleagues to support it.

Thank you, Mr. Chairman for this opportunity to explain my amendment. My amendment provides for the early release for nonviolent offenders who have attained the age of at least 45 years of age, have never been convicted of a violent crime, have never escaped or attempted to escape from incarceration, and have not engaged in any violation, involving violent conduct, of institutional disciplinary regulations.

My amendment seeks to ensure that in affording offenders a second chance to turn around their lives and contribute to society, ex-offenders are not too old to take advantage of a second chance to redeem themselves. A secondary benefit of my amendment is that it would relieve some of the strain on federal, state, and local government budgets by reducing considerably government expenditures on warehousing prisoners.

Mr. Chairman, some of those who are incarcerated face extremely long sentences, and this language would help to address this problem. Releasing rehabilitated, middle-aged, non-violent offenders from an already overcrowded prison population can be a win-win situation for society and the individual who, like the Jean Valjean made famous in Victor Hugo's *Les Misérables*, is redeemed by the grace of a second chance. The reentry of such individuals into the society will enable them to repay the community through community service and obtain or regain a sense of self-worth and accomplishment. It promises a reduction in burdens to the taxpayer, and an affirmation of the American value that no non-violent offender is beyond redemption.

Mr. Chairman, the number of federal inmates has grown from just over 24,000 in 1980 to 173,739 in 2004. The cost to incarcerate these individuals has risen from \$330 million to \$4.6 billion since 2004.

At a time when tight budgets have forced many states to consider the early release of hundreds of inmates to conserve tax revenue and when our nation's Social Security system is in danger of being totally privatized, early release is a common-sense option to raise capital.

The rate of incarceration and the length of sentence for first-time, non-violent offenders have become extreme. Over the past two decades, no area of state government expenditures has increased as rapidly as prisons and jails. According to data collected by the Justice Department, the number of prisoners in America has more than tripled over the last two decades from 500,000 to 1.8 million, with states like California and Texas experiencing eightfold prison population increases during

that time. Mr. Chairman, there are more people in the prisons of America than there are residents in states of Alaska, North Dakota, and Wyoming combined.

Over one million people have been warehoused for nonviolent, often petty crimes. The European Union, with a population of 370 million, has one-sixth the number of incarcerated persons as we do, and that includes violent and nonviolent offenders. This is one third the number of prisoners which America, a country with 70 million fewer people, incarcerates for nonviolent offenses.

The 1.1 million nonviolent offenders we currently lock up represents five times the number of people held in India's entire prison system, even though its population is four times greater than the United States.

As the number of individuals incarcerated for nonviolent offenses has steadily risen, African-Americans and Latinos have comprised a growing percentage of the overall number incarcerated. In the 1930s, 75% of the people entering state and federal prison were white (roughly reflecting the demographics of the nation). Today, minority communities represent 70% of all new admissions—and more than half of all Americans behind bars.

This is why for the last several years I have introduced the Federal Prison Bureau Non-violent Offender Relief Act. The bill I introduced earlier this year, H.R. 261, forms the basis for the present amendment.

Over 2 million offenders are incarcerated in the nation's prisons and jails. At midyear 2002, 665,475 inmates were held in the Nation's local jails, up from 631,240 at midyear 2001. Projections indicate that the inmate population will unfortunately continue to rise over the years to come.

To illustrate the impact that this amendment will potentially have on Texas, the Federal prison population for the years 2000, 2001, and 2002 reached 39,679, 36,138, and 36,635 persons respectively; the State prison population for the same years reached 20,200, 20,898, and 23,561 persons. These numbers have grown since 2002, so the impact is indeed significant and the State of Texas is an important stakeholder.

As I stated at the outset, my amendment will ensure that in affording offenders a second chance to turn around their lives and contribute to society, ex-offenders are not too old to take advantage of a second chance to redeem themselves. My amendment will also relieve the some of the strain on federal, state, and local government budgets by reducing considerably government expenditures on warehousing prisoners.

For these reasons, I ask that all members to support my amendment.

Mr. MOLLOHAN. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, we have no objection to the amendment. The gentlelady's insights into this issue are clear. The committee actually welcomes the thought, the amendment, and we accept the amendment.

Ms. JACKSON-LEE of Texas. Let me thank the distinguished chairman, and I ask my colleagues to support this amendment. This will go a long way to this very strong and harsh question of Federal prison overcrowding and how

we use our resources for nonviolent prisoners.

Mr. Chairman, I yield back my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

At the end of bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available in this Act may be used in violation of Subtitle A of Title VIII (International Space Station Independent Safety Taskforce) of the NASA Authorization Act of 2005 (Public Law No. 109-155).

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me thank the Chair, and again, I thank the chairman and ranking member of this subcommittee. Let me also add my appreciation to the appropriators and the chair and ranking member of the full committee.

Mr. Chairman, I also want to acknowledge the hard work of the Science Committee. I had the pleasure of serving on that committee for almost 12 years. My issue there was the question of safety during the tenure that I was in that role or a member of that committee. Of course, we had the backdrop of *Challenger* and then *Columbia*.

Safety is a crucial component to the continued support of Americans of the international space station and America's space program. When I have an annual Christmas party in Houston, the most popular visitor is not Santa Claus. For children, it is the astronauts, and I rise today to offer an amendment that will reinforce the importance of safety in the NASA program.

Space exploration remains a part of our national destiny. After the *Columbia* disaster, NASA stands at a pivotal moment in its history. It is the responsibility of this Congress to ensure that the future of NASA is one of continued progress. I have long been an advocate of space exploration, and I have steadfastly emphasized that while safety must be the number one priority of NASA, this should not deter us from pushing the boundaries of technology and discovery.

In June of this year, we saw the space shuttle *Atlantis* and the international

space station both experience serious safety scares. The shuttle's mission had to be extended following the discovery of a rip in the shuttle's thermal blanket, while the space station experienced the failure of a Russian-operated computer system controlling a crucial portion of the station's navigational system. These recent incidents clearly indicate the need for improved safety standards and oversight. Space exploration must be coupled with satisfactory safety assurances.

The amendment, Mr. Chairman, that I offer refers to the National Aeronautics and Space Administration Authorization Act signed into law by President Bush, which provided for the establishment of an International Space Station Independent Safety Commission, that I authored, to discover and assess any vulnerabilities of the international space station that could lead to its destruction, compromise the health of its crew, or necessitate its premature abandonment.

We will launch on August 7. That launch will head to the international space station. People will be on that international space station, which is the ultimate goal, that scientists will find the place in space to be able to do the research that will carry America forward.

That safety task force provided valuable observations on the strengths and weaknesses of the international space station safety systems. It went on to say that we should have strong congressional support for the space shuttle and international space station, as well as a number of specific technical recommendations, such as increased attention to orbital debris and ensuring that all personnel and managers have the necessary skills and experience.

If these recommendations are to be successful in identifying and mitigating future risks, then we must have a Congress that reinforces safety for NASA.

□ 1315

We shouldn't have the individual there who is afraid to speak up. We should have whistleblower protection. And we should have a director who cares about safety and does not reject Congress' interest in safety.

I hope that we will keep our eye on this international space station commission on safety, even though its report is in, to ensure that the individuals we sent on the space shuttle, the work that we are doing on space has the element of safety to save lives and create the opportunity for men and women to live and work in space.

I ask my colleagues to support this amendment as we support NASA and my appreciation for the funding that is in this bill for NASA and aeronautics and research and ask my colleagues that NASA should equate to safety, NASA should equate to science. That is an important aspect.

Mr. Chairman, I rise today in strong support of this amendment. It states that none of the

funds made available in this Act may be used to limit the safety provisions enumerated in the NASA Authorization Act of 2005 (Public Law No. 109-155), particularly those regarding the International Space Station Independent Safety Commission.

Space exploration remains a part of our national destiny. After the *Columbia* disaster, NASA stands at a pivotal moment in its history. It is the responsibility of this Congress to ensure that the future of NASA is one of continued progress. I have long been an advocate of space exploration, and I have steadfastly emphasized that while safety must be the number one priority of NASA, this should not deter us from pushing the boundaries of technology and discovery.

In June of this year, we saw the Space Shuttle *Atlantis* and the International Space Station both experience serious safety scares. The shuttle's mission had to be extended following the discovery of a rip in the shuttle's thermal blanket, while the space station experienced the failure of a Russian-operated computer system controlling a crucial portion of the station's navigational system. These recent incidents clearly indicate the need for improved safety standards and oversight. Space exploration must be coupled with satisfactory safety assurances.

Mr. Chairman, the National Aeronautics and Space Administration Authorization Act of 2005, signed into law by President Bush, provided for the establishment of an International Space Station Independent Safety Commission, to discover and assess any vulnerabilities of the International Space Station that could lead to its destruction, compromise the health of its crew, or necessitate its premature abandonment.

This congressionally mandated International Space Station Independent Safety Task Force offered its recommendations in the form of a final report, which was submitted to NASA and the United States Congress in February of 2007. This report offered a number of valuable observations on the strengths and weaknesses of the International Space Station's safety systems, and it went on to make several important recommendations. The report called for strong congressional support for Space Shuttle and International Space Station, as well as a number of specific technical recommendations, such as increased attention to orbital debris and ensuring that all personnel and managers have the necessary skills and experience.

If these recommendations are to be successful in identifying and mitigating future risks to the International Space Station, Congress, together with the Administration, must firmly reaffirm its commitment to pursuing safety as a top priority. My amendment speaks to this clear need to emphasize the importance of safety standards by ensuring that none of the funds made available in this Act may be used to limit the safety provisions enumerated in the recent NASA Authorization Act.

We must continue to work to ensure that adequate safety standards apply to all NASA endeavors, and particularly to manned space exploration. As I previously stated, I am a strong supporter of the International Space Station, and I hope that we can move forward with its mission. However, our mission for discovery can not be done in haste; instead we must ensure that all steps have been taken to minimize the risk to astronauts onboard.

I hope that my colleagues will join me in supporting this important amendment.

U.S. AND RUSSIA VIEW SPACE STATION SAFETY DIFFERENTLY

(By Mike Schnelder)

CAPE CANAVERAL, FL.—It was just four high-energy batteries, the kind that are found in a lot of military equipment such as walkie-talkie sets and night vision equipment. Similar batteries already were being used on the International Space Station.

But when NASA officials discovered last year that Russian space officials were allowing the four batteries on-board the space station without the proper testing, they objected strenuously. The batteries could be toxic and had a small potential to explode. The Russians went ahead anyway.

Nothing ever happened. But the friction caused by the batteries underscores the divide between the now hyper-safety-conscious Americans and what the Russians describe as their "more flexible" approach.

It's a different philosophy, explains Shirley McCarty, former head of NASA's safety advisory board: In the U.S. program you must prove it is safe. The Russian approach is "prove it's not safe."

After the Columbia space shuttle disaster, safety is getting even more attention by the U.S. Space program.

Tensions over the two countries' approaches are being played out in Houston and Moscow as both programs debate whether to allow a spacewalk by the current space station crew of just two men—astronaut Michael Foale and cosmonaut Alexander Kaleri. A spacewalk would leave the space station temporarily empty. Previous spacewalks at the international space station have depended on a third crew member inside.

The Russians, however, are comfortable with the risk and carried out spacewalks on their Mir space station with just a two-man crew. They are pushing for a spacewalk in late February to do minor work involving payloads and preparatory work for a new type or cargo ship.

The Russians consider themselves less rigid and more inventive than the Americans, who tend to follow every letter in the technical manuals, said Sergei Gorbunov, a spokesman for the Russian Space Agency.

"Here in Russia, we are more flexible in our approach to technical problems," Garbunov said. "The Americans are more conservative in dealing with technical problems, but this isn't a fault."

It may not be a fault but the different approaches contribute to communications problems that could lead to dangerous situations, NASA's safety advisory board warned in a report last year.

"They share safety concerns," Michael Suffredini, the station's operations and integration manager for NASA, said last week of the Russians. "Sometimes we have a different view."

Jerry Linenger, a former astronaut who lived aboard Russia's Mir in 1997, said there has to be a "happy medium" between the two approaches.

"The Russians are probably on one side of the balance, and the Americans are probably too much on the other side," Linenger said.

During Linenger's stay on Mir, the Russian space station suffered the most severe fire ever aboard an orbiting spacecraft, a near collision with a cargo ship, failures of on-board system including an oxygen generator, loss of electrical power and an uncontrolled tumble through space.

The current space station crew also is experienced with close calls. Foale was on Mir when it collided with a cargo ship. Kaleri was on Mir along with Linenger when the fire broke out.

The differences between the Russian and U.S. approaches to safety are as much from cultural as economic factors, said Linenger.

Russian industry, for instance, doesn't have the commitment to worker safety that the United States has adopted in recent decades through agencies such as the Occupational Safety and Health Administration. In addition, workers in the Russian space program haven't shaken off the Soviet-era habit of following orders without question, Linenger said.

"The Russians don't want to lose a cosmonaut any more than we want to lose an astronaut," he said, but suggested that perhaps they were "less used to protecting the worker . . . They're probably more willing to overlook a lot of things that we're not."

The limited budget of the Russian space program also contributes to how it approaches safety, Linenger said. The cash-strapped space agency, after all, has allowed U.S. millionaire Dennis Tito and South African Mark Shuttleworth to pay for the privilege of being space tourists on the station despite the initial objections of NASA officials.

Most recently, the Russian space program disclosed that government funds allocated for building crew capsules and supply ships for the space station are only about half of what's needed.

"When you have a limited budget like they did when I was there, you can't afford to go to option B," Linenger said. "Maybe we misinterpret that they're cavalier about things when they have no options."

Linenger noted that NASA recently decided to send the current crew to the space station despite concerns from a NASA physician and scientist that exercise equipment and some water and air monitoring devices weren't working properly.

"When you're between a rock and a hard place, I'm not sure we would act any differently," he said.

Ed Lu, who returned from the space station last month after a six-month stay, said any differences in approaches to safety aren't noticeable.

It's really one big program right now," he said during an interview from space before his return. "You can't really separate the organizations too much anymore."

But members of NASA's Aerospace Safety Advisory Panel felt otherwise. They resigned en masse in September after being described as ineffective in a report by the Columbia Accident Investigation Board. Before resigning, members cited two other recent incidents in which miscommunication between the Russians and Americans on the ground had caused problems with how the space station was positioned.

"It just seems all the required operating procedures, the ground rules aboard the station, really hadn't been completely planned out between the various international partners," said Robert Schaufele, a former member of the safety panel and a professor of aircraft design at California State University.

But the two programs have learned from past problems, and new procedures have been put in place, said Bill Gerstenmaier, the space station's program manager for NASA.

Since the batteries incident, complaints or concerns can be taken up the command chain more quickly, said Arthur Zygielbaum, a former safety advisory board member.

And in recent years, eight NASA specialists have worked in Russia while 10 Russian specialists have worked with NASA in Houston to smooth out potential communication issues, said Joel Montalbano, lead flight director for the current space station mission.

With this communications foundation, Montalbano said, "we can work better and stronger."

Mr. MOLLOHAN. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. I appreciate the gentlelady yielding.

NASA has been on the forefront of safety on the NASA side, these provisions she has worked on in 2005 to incorporate into authorizing. She is reaffirming these safety procedures in this amendment, and we certainly have no objection on that.

We accept the amendment and compliment her on her efforts to improve and insist upon safety in NASA operations.

Ms. JACKSON-LEE of Texas. I thank the distinguished chairman for his courtesy, I thank the ranking member, and I thank the Congress for accepting the importance of safety as we explore the beyond.

I simply say thank you to the staff of these committees, and I ask my colleagues to support it.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

AMENDMENT NO. 41 OFFERED BY MR. UPTON

Mr. UPTON. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 41 offered by Mr. UPTON:

At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. _____. None of the funds made available in this Act may be used to purchase light bulbs unless the light bulbs have the "ENERGY STAR" or "Federal Energy Management Program" designation.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Michigan (Mr. UPTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. UPTON. Mr. Chairman, we don't intend to take very much of our time. We have debated this amendment on each of the appropriation bills thus far. We have been very fortunate to have the support of Mr. OBEY and Mr. LEWIS and all the subcommittee chairmen and ranking members.

I offer this with my friend and colleague, Ms. HARMAN, along with Mr. ENGLISH and Mr. LIPINSKI. It is a bipartisan amendment simply requiring that the Federal Government, beginning on October 1, purchase only ENERGY STAR light bulbs.

This will be a savings of hundreds of millions of dollars to the taxpayers over the course of the year, and it is something that has enjoyed, again, wide bipartisan support. I don't need to debate it further.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. UPTON).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. UPTON. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

AMENDMENT OFFERED BY MR. JORDAN OF OHIO

Mr. JORDAN of Ohio. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. JORDAN of Ohio: At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 3.0 percent.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Ohio (Mr. JORDAN) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. JORDAN of Ohio. Mr. Chairman, we have offered this amendment for the eighth time.

Let me just help set a framework before I talk specifically about the amendment. Today we have approximately a \$200 billion annual budget deficit. We have an \$8 trillion national debt. We have a budget that we have been debating over the last several weeks and will complete the spending process of that next week, but we have a budget of \$3 trillion annual budget.

We have an entitlement spending crisis looming, when we think about what's going to happen in the next 10 to 15 years relative to Social Security, Medicare, Medicaid. We have got a crisis that we have to begin to deal with.

Today, today the Federal Government spends approximately \$23,000 per household. Now, with that as a frame work, I think it's fair to ask, is government too big or too small? If you ask that question of the average American family, my guess is when they think about those facts, \$200 billion deficit, \$3 trillion annual budget, \$8 trillion national debt and an entitlement crisis that is looming, and a Federal Government that spends \$23,000 per American household, if you asked the average American family if government is too big, my guess is they would probably say yes.

All this amendment does is begin to take that first step, that modest first step into getting our spending under control.

It says this: instead of in this appropriation bill, instead of spending \$53.5 billion, let's just spend \$52 billion, which happens to be the amount that we spent last year. So it's not a cut, as our friends on the other side will most assuredly say when it's their turn to speak. It's not a cut; it's simply level funding, holding the line on spending. It's a 3 percent reduction from what's in the bill, simply going to spend what we did last year.

That's not too much to ask when you think about the context we find ourselves in today in the United States of America. Here is why it's important, and I have said this every single time.

Again, every time I bring this amendment, I always articulate to the Chair of the subcommittee and the ranking member and the Chair and ranking member of the full committee that, you know, I don't do this to be a pain.

I really believe we have to begin to focus on reducing spending. I appreciate the work that the Appropriations Committee does. I appreciate the work of the subcommittee. But if we don't begin to get a handle on spending, we are going to have problems economically in the future.

The way it works is spending inevitably leads to more taxes. The American family is already overtaxed. That's why it's important. We start to get a handle on spending, so we can reduce the tax burden that the families across this country face.

Mr. Chairman, I would urge a "yes" vote on the amendment.

Mr. Chairman, I reserve the balance of our time.

Mr. ISRAEL. Mr. Chairman, I claim time in opposition.

The Acting CHAIRMAN. The gentleman from New York is recognized for 15 minutes.

Mr. ISRAEL. Mr. Chairman, with violent crimes increasing for the first time in 15 years, with more pressure on the Federal Bureau of Investigation, less resources and less investments in keeping our communities safe is not the answer. Cutting programs to the FBI, cops on the streets, anti-meth programs is not the answer.

Our communities want safer streets. They want a vigorous response against crime. That's what this bill does.

Mr. Chairman, I reserve the balance of my time.

Mr. JORDAN of Ohio. Mr. Chairman, I yield as much time as the gentleman would like to consume to the Chair of the Republican Study Committee, the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Chairman, I thank the gentleman from Ohio, again, for his leadership in bringing this terribly needed amendment to the floor, his diligence in authoring this amendment on a number of these spending bills.

Again, although I wish we were debating other facets of the Federal budget today, I think it is very, very important to illuminate once again

where we stand as a Nation on spending.

I was in a hearing earlier this morning in the Financial Services Committee. In that committee, we are talking about the possibility of a whole new Federal wind storm insurance program. I am not here to debate the merits of that, but it brought to mind that this Nation is facing a fiscal storm, and it's a storm that we see off our shore; but it is one that unfortunately, this body continues to ignore.

It continues to ignore this problem by growing the Federal budget at a huge multiple over inflation, growing the Federal budget way beyond the growth of the family budget. Ultimately, it's the family that has to pay for this, hardworking American families that are trying to pay for their transportation programs, trying to pay for their health care programs, trying to pay for their education programs.

I have no doubt that every single dollar in this bill can be used for a good purpose. There is not a doubt there, but when do we look at what happens in the aggregate? We have had spending debates going on for weeks and weeks now. Unfortunately, they do become somewhat similar.

But there are very important points that still need to be illuminated in this debate. Again, in every single spending bill brought to the floor, somebody can say, well, this is a good idea. But who goes back and looks at it in the aggregate? Whoever adds it all up and sees what we are doing to the least of these in our society, those who do not vote, and those who have yet to be born. I am speaking about future, future generations.

So all this amendment is asking to do, notwithstanding the language of the other side, this amendment seeks to cut nothing. This amendment seeks to level fund this particular appropriations bill, using the same funding last year that it will use this year.

Mr. Chairman, there are many people, many families all across America who would love the opportunity to make it on the same income they had last year, this year, this year to next year. So somehow we are trying to be convinced that something terrible and draconian is going on.

Frankly, our friends from the other side of the aisle always accuse us of cutting something. I wish, occasionally, that might be true.

But all spending is not created equal, and there needs to be priorities. There is no doubt that many items within this bill are a priority. But I don't believe it's a priority to impose an even greater tax burden on the American people, as the Democrats seek to do in their single largest tax increase in history. That shouldn't be a priority.

Nor should it be a priority to pass on debt to future generations, which ultimately I believe this bill will do. It

shouldn't be a priority to raid the Social Security trust fund, which, by definition, if we are running a Federal deficit, then any excessive spending continues to raid the Social Security trust fund.

So all we are asking is, is it easier to be on the road to fiscal responsibility and keep faith with future generations, or are you going to be on the road to fiscal irresponsibility and not keep faith? If you follow that road, here is what you are looking at. Listen to the words of our Federal Reserve Chairman, Ben Bernanke, who said: "Without early and meaningful action" to address government spending, particularly entitlements "the U.S. economy could be seriously weakened with future generations bearing much of the cost." Those aren't my words. Those are the words of the Federal Reserve Chairman.

Now listen to scholars at the Brookings Institute, widely known as a liberal institution, no bastion of conservative thought: "The authors of this book believe that the Nation's fiscal situation is out of control and can do serious damage to the economy in coming decades, sapping our national strength, making it much more difficult to respond to unforeseen contingencies and passing on an unfair burden to future generations."

Yet week after week after week we have spending bills coming to this floor, growing government way beyond the rate of inflation, growing government way beyond the growth of the family budget, and it's the family budget that has to pay for Federal budget.

So here we have just one more chapter in this book of fiscal irresponsibility.

Now, again, I know there are many good programs in this bill. But why were so many of the other bills costing billions and billions and billions and growing these budgets 3, 4, 5, 6, 7 percent more than last year? Again, too often people are focusing on one individual aspect of this budget, and they are not focusing on the budget as a whole.

Let's listen to the words of the Comptroller General, the chief fiduciary officer in America, who said that the rising cost of government, again, particularly the entitlement spending, is a "fiscal cancer," fiscal cancer that threatens "catastrophic consequences for our country and could bankrupt America."

Again, these aren't my words. These aren't the words of one lone Member. These aren't the words of the Member from the Fifth District of Texas. These are words of the people who most know about the fiscal condition of this Nation.

□ 1330

The Comptroller General has gone on to say, and I paraphrase, that we're on the verge of being the very first generation in America's history to leave

the next generation with a lower standard of living.

Mr. Chairman, like many others on this floor, I'm in the next generation business. I've got a 5-year-old daughter and a 3-year-old son, and I am not indifferent as to leaving my children and the children of America with a lower standard of living. I can't sit idly by while this House week after week after week spends our children's future, spends them into bankruptcy, threatens to double their taxes. That's the magnitude we're looking at, doubling their taxes.

And so this is a very reasonable amendment. Frankly, I wish the gentleman from Ohio had done even more on his amendments. But level funding, that's all we're asking, Mr. Chairman. When you look at the consequences, can we at least take a bill and get a little smarter, a little wiser and spend the same amount of money next year that we did this year? And, frankly, it's the future of our children and our grandchildren that are on the line.

Mr. ISRAEL. Mr. Chairman, the gentleman said that we can afford to cut or shave budgets for anticrime programs like COPS. The gentleman did not support attempts to cut or shave the \$90 billion in tax shelters that allow offshore companies to shelter their profits, open up P.O. boxes in Bermuda so that they don't have to pay their fair share of taxes. We invest a fraction of that \$90 billion tax shelter, \$693 million, to add 2,800 cops to the streets of neighborhoods. We want to make neighborhoods safer by adding more cops. The gentleman wants to make corporate offshore profits safer. That's a difference in priorities between our bill and theirs.

Mr. Chairman, I reserve the balance of my time.

Mr. JORDAN of Ohio. Mr. Chairman, just a couple of things. I want to pick up on what the gentleman from Texas was talking about, families, and a lady from a family from our district, Theresa from West Liberty, Ohio, a small town in Ohio, said, when talking about spending, talking about taxes, talking about the growth of government, talking about the fact we've got an \$8 trillion national debt, a \$3 trillion budget, the government spends \$23,000 per household, and all we're asking for in this legislation, all we've been asking for in each of these amendments, is to fund government at the same level we did last year, which all kinds of families have to do just like this family in West Liberty, Ohio.

"We're in the middle class, and we're the ones the tax hikes hit the hardest. We're trying to put our kids through college. Can't government live within their means?"

I mean, pretty straightforward. It's amazing how the American people get it. If you ask the American people in this framework, all this spending, all this debt, all this deficit, is it too much to ask to say, you know what, Government, just spend what you did before.

And the playbook from the other side never changes. As the gentleman from Texas articulated, we want to spend what we spent last year in this appropriations bill. Not a cut. We want to spend what we did last year. Yet the other side will say, if we do that, the sky's going to fall, the world's going to end, everything will be terrible. Oh my goodness, we won't have cops on the street.

That's just baloney. We want to spend exactly what we spent last year, because if we don't, the ramifications, the consequences for future generations, as the gentleman from Texas pointed out, are huge. And it starts with the entitlement programs that everybody knows, Republicans and Democrats know, everybody knows those are going to be problems in the future.

That's all this amendment does. It's not Draconian cuts. It's not devastating. It's not the end of the world. It's not the sky is falling. It's saying, you know what, instead of spending \$53.5 billion, which is what this legislation wants to do, let's spend \$52 billion, exactly what we spent last year.

Mr. Chairman, that doesn't seem to be too much to ask when we're thinking about the context we find ourselves in, and, frankly, when we're thinking about the competition we face today in the international marketplace.

As the gentleman from Texas pointed out, our Comptroller has pointed out the problems we face. It's critical that we begin to get a handle on that. That's why we bring the amendment forward, that's why it makes common sense, and that's why I urge a "yes" vote.

With that, I reserve the balance of my time.

Mr. ISRAEL. Mr. Chairman, violent crimes increased 3.6 percent in the past 2 years for the first time in 15 years. The gentleman's response is to cut spending for police officers, child abuse programs, domestic violence programs and antidrug programs by 3 percent.

With that, I yield 30 seconds to the gentleman from Ohio (Mr. RYAN), a member of the committee.

Mr. RYAN of Ohio. I thank the gentleman.

I would just like to make a couple of points. The gentleman from Texas mentioned entitlements. I think it's important for the Members to recall that it was the Republican majority that passed a trillion dollars in spending on the Medicare part D program and had zero, zero ability for the Secretary of Health and Human Services to negotiate down drug prices to keep them under control.

And my good friend from Ohio made the point about families, this family in his district, a middle-class family. This new Congress raised the minimum wage which will help that middle-class family. This Congress in the Labor-H bill passed an increase of \$600 or \$700 million in the Pell Grant. They're trying to send their kids to school. That

will help. And we cut student loan interest rates in half. So that same family who has to borrow money will have to pay back \$4,000 less over the course of the loan.

We're helping that family, and I'm glad we can agree on that.

Mr. JORDAN of Ohio. Can I inquire, Mr. Chairman, how much time our side has remaining?

The Acting CHAIRMAN. The gentleman from Ohio has 2½ minutes. The gentleman from New York has 12 minutes.

Mr. JORDAN of Ohio. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. I want to thank the gentleman for bringing this amendment.

It's interesting to hear about all the savings that the majority party, Mr. Chairman, claims that they have saved. I'm interested to get to the debate on the farm bill so we can hear of all the savings that's in it, and we will see how the next tax increase is going to be explained as some type of offset, or, as they have done so well this whole 110th Congress, is the smoke-and-mirror thing. They do a great job with it. I believe when people do a good job, they should be complimented. I've never seen an illusionist as good, especially convincing people that they are actually getting something accomplished.

If this Congress really wants to get something accomplished, we'll pass the amendment from Mr. JORDAN, because it's real savings to the taxpayers of \$1.6 billion. Now, in the scheme of things, and I never thought I would be up here long enough to say that that's a small amount of money compared to the amount of money that we spend in Congress, but it is a reasonable savings. And not only that, but it's an important first step, the first time in the 110th Congress, and really, I think, probably one of the first times up here that we've actually saved some money, and there's nothing wrong with that. And even though it's a small start, it's a good start.

This bill is \$3.2 billion above last year, or a little over 3 percent more than it was last year. And while it's a modest increase, a 3 percent increase, I think that we would do much better going back to last year's level and learning to live within that means, Mr. Chairman, than trying to expand the programs.

Mr. ISRAEL. Mr. Chairman, I have the right to close; is that correct?

The Acting CHAIRMAN. The gentleman does have the right to close.

Mr. ISRAEL. Mr. Chairman, I will reverse the balance of my time.

Mr. JORDAN of Ohio. Mr. Chairman, I know we have just 30 seconds, and the gentleman from New York will close.

Again, it's a straightforward amendment. It's not a cut. It's level funding. All kinds of families have to do it every single year across this country. Again, I don't think it's too much to

ask for government to do the same, particularly when you look at the facts and the financial situation that we're facing.

With that, I yield back the remainder of our time.

Mr. ISRAEL. Well, here we go again. We've been here week after week after week and entertained amendment after amendment after amendment. I respect my colleagues for trying. Unfortunately, a majority of their caucus disagrees with them, as does a majority of Congress. These amendments keep coming up, and they keep getting defeated, and there's good reason for that, particularly with this bill.

Let me share some statistics with you, Mr. Chairman. I alluded to them before. Violent crime is increasing in the United States today for the first time in 15 years. In 2005, violent crimes increased 2.3 percent. 2006, violent crimes increased another 1.3 percent. From 2002 to 2005, Mr. Chairman, there were an additional 100,000 new meth users over the age of 12.

Now, there is a dangerous correlation, because at the same time these violent crimes are increasing, Federal investments in safe communities have been cut. From 2001 to 2006, funding for local law enforcement grants was cut 42 percent. This isn't just a cut in the rate of increase, this is a wholesale cut in Federal support for anticrime programs, 42 percent, from \$4.4 billion to \$2.5 billion. And not only is crime going up as a result of these Federal cuts, but local taxes, which in many cases are the most regressive form of taxation, are going up as well. Because the fact of the matter is that when you cut Federal law enforcement resources, the criminals don't go away. They stay on the streets. They keep robbing banks. They keep beating people up. They keep stealing. They keep conspiring. And so while the Federal Government has abandoned its commitment to keeping our streets safe, it's the local governments who are now responsible for trying to keep those streets safe. And so all this Federal cut is a transfer of the obligation to local taxpayers. So what sounds like a cut on the Federal level ends up costing taxpayers even more and more to protect their communities.

Mr. Chairman, let's analyze some of these cuts while crime increases. Safe communities. This small group of Members, who disagree with every Republican on the Appropriations Committee who supported this bill, had no problem supporting a \$90 billion tax shelter for the biggest offshore companies on Earth to protect their profits. We in this bill invest a fraction of that, \$693 million, to add 2,800 police officers to our streets to protect our neighborhoods.

The State Criminal Alien Assistance Program. We can have differences on how to protect our borders. We all want to keep our borders safe, but if someone crosses our borders here illegally and then commits a felony, or

several misdemeanors, and is arrested and incarcerated, most of us believe that the Federal Government ought to assume the financial obligation for incarcerating those people.

This small group of Members had no problem spending \$14 billion on tax cuts for the biggest oil companies on Earth in the history of profit-making. We invest a fraction of that, \$405 million, to reimburse local taxpayers for the costs of the incarceration of criminal aliens. What makes more sense to America?

The war on drugs. We learned in Iraq that you can't win a war when you underfund the troops. Well, guess what, Mr. Chairman. You can't win a war on drugs when you underfund cops on the streets. This small group had no problem spending billions and billions of dollars on Vice President CHENEY's no-bid contracts. We invest a fraction of that, \$40 million, to fight illegal drugs with mobile enforcement teams; not mobile enforcement teams in Iraq, Mr. Chairman, mobile enforcement teams here at home.

Child exploitation. We fund 93 additional positions in U.S. attorneys' offices to fight child exploitation and enforce obscenity laws; 38 new positions in U.S. attorneys' offices to fight gang crimes. Gang crimes are proliferating. Gangs are a national problem. They cross not only State borders, they cross town lines and county lines and village lines. It requires a national investment to stop these gangs from preying on our children. We invest in stopping those gangs. This small group says, let's cut gang enforcement by 3 percent.

Domestic violence. We invest \$430 million for the Violence Against Women Act for prosecutions. This small group says, we can protect the profits of big drug companies, we can protect the profits of corporations that register themselves at P.O. boxes in Bermuda, but we have to save the investment in protecting women from domestic violence?

Finally, Mr. Chairman, and this is the real kicker, to coin a phrase by my friend from Ohio several days ago, the war on terror. For the past 7 years, the FBI counterterrorist caseload has increased more than 100 percent, from 1,150 to nearly 2,400. How do they make the argument, Mr. Chairman, that as the counterterrorist caseload is going up 100 percent, we should shave resources by 3 percent to the FBI? I think most Americans understand that they can't go out and investigate terrorists, that that's the job of the FBI. We want the FBI to have those resources.

If there is money for oil companies, if there is money for offshore corporations, if there is money for Halliburton, how is it that we can't afford additional resources for the FBI in the global war on terror?

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Mr. Chairman, I'll conclude by suggesting that this really is about priorities. And this is the debate we've had.

The sponsors of this bill have legitimate philosophies, and I understand their philosophies. Their philosophies are wrong.

They say government wants more of your money and that you should decide how to spend it. That's not true. They've spent the people's money on tax cuts for oil companies. We want to invest in COPS for neighborhoods. They've spent it on no-bid contracts for big companies. We want to spend it on investigators for the FBI. They spent it on protecting the profits of offshore companies. We want to invest it in protecting the safety of our neighborhoods.

That is why, Mr. Chairman, Republicans and Democrats, were united on this bill in the Appropriations Committee. Every Republican on the Appropriations Committee joined Democrats in passing this bill because it was common sense, the right investments, the right priorities. And that's why when this amendment is offered again on the floor for a vote, it will follow the same course and the same fate as every similar amendment before it. It will be defeated, not just by Democrats, but by Democrats and Republicans who understand that America would rather have their neighborhoods patrolled by more cops than have the offshore profits of companies at P.O. boxes in Bermuda protected by this small group of Members.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. JORDAN).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. JORDAN of Ohio. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

The Acting CHAIRMAN. The Committee will rise informally.

The Speaker pro tempore (Mr. SERRANO) assumed the chair.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, as one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1538. An act to amend title 10, United States Code, to improve the management of medical care, personnel actions, and quality of life issues for members of the Armed Forces who are receiving medical care in an outpatient status, and for other purposes.

The SPEAKER pro tempore. The Committee will resume its sitting.

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The Committee resumed its sitting.

AMENDMENT OFFERED BY MR. PRICE OF GEORGIA

Mr. PRICE of Georgia. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. PRICE of Georgia:

At the end of the bill (before the short title), insert the following:

SEC. ____ Total appropriations made in this Act (other than appropriations required to be made by a provision of law) are hereby reduced by \$750,000,000.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Georgia (Mr. PRICE) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. PRICE of Georgia. I thank the chairman, and I'm pleased to come to the floor today and offer this amendment. And it's a little different vein and spirit than we've offered other appropriate fiscally responsible amendments for other appropriations bills, but it's similar. But I urge my colleagues to listen closely, because the nuance has changed greatly.

Before I do begin, though, I want to make certain that any Member listening, or anybody who has heard the previous discussion and the assertion that the amendments that are offered by this group of fiscally responsible individuals can't even get a majority of our own conference, that's not true. But there's a lot of untruth spoken on this floor. For a significant majority of the Members of at least the Republican side of the aisle clearly support fiscally responsible amendments. I'm hoping and praying for the day that our friends on the other side join us in that.

I do agree with my friends who spoke previously that this is about priorities. It is indeed about priorities. This amendment before us today would reduce the increase in the spending in this portion of the appropriations bills by \$750 million a year, or \$7.5 billion over 10 years. Mr. Chairman, I would ask that you remember that number, \$7.5 billion over 10 years, because it's there for a reason.

But before I get into the specific reasons of that, I want to talk a little bit about the process and the disappointment that so many of us on this side of the aisle have in this process, and so the disappointment that many folks who have to be muted on the other side have in the process.

There were grand promises of bipartisanship as we began this session of Congress earlier this year. And bipartisanship is the least that we have had on virtually every single issue. And I understand at the beginning the new majority felt that they had to move forward with many of their issues, and that's appropriate. That's appropriate. That's their due, given the results of last November.

However, what we've seen recently has buried any guise of bipartisanship. And, in fact, the last 2 weeks have been astounding and actually point to more astounding activities over the next 10 days.

The SCHIP bill, the State Children's Health Insurance Plan, which was adopted in a bipartisan way 10 years ago, is up for reauthorization; and now this new majority plans in a unilateral and anti-bipartisanship way to cut Medicare to aid State bureaucracies; cut Medicare and give that money to State bureaucracies in an anti-bipartisan way.

The flood insurance bill we've got in the committee right now that passed last year never got through the Senate but passed the House last year. It passed, over 400 individuals to 4. And now we have in our committee today an anti-bipartisan bill that belies any attempt at bipartisanship by the other side.

And then the farm bill that was alluded to by my good friend from Georgia just a little bit ago. This farm bill that's going to be on the floor apparently tomorrow or today, depending on when the majority decides to bring it, came out of committee virtually unanimously, virtually unanimously, both sides of the aisle, bipartisan. And yet over the past 24 hours what we have seen is an anti-bipartisan bill that puts in that bill a tax increase of \$7.5 billion.

Mr. Chairman, you remember the \$7.5 billion that I mentioned before.

So this amendment before us today is an amendment to reduce the increase from 3.1 percent over last year's bill to 1.6 percent. So it would take that reduction in the increase and would utilize \$750 million a year, or \$7.5 billion to, attribute to the farm bill that would then make it so there wouldn't have to be any tax increases that my friends on the other side so love, but there wouldn't have to be any tax increases for that portion of the farm bill.

This is a fiscally responsible way. This is the kind of flexibility that I believe our constituents desire when they ask Congress and they ask Washington to be responsive to their needs, to respect their pocketbook, to make certain that they are able to keep more of their hard-earned money and not be subject to the kind of remarkable tax increases that we've seen by the other side of the aisle.

So I would encourage my colleagues to adopt this amendment, utilize those extra monies that the majority is so adept at finding, make it so that the farm bill needs no tax increases whatsoever.

I reserve the balance of my time.

Mr. SCHIFF. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from California is recognized for 15 minutes.